

House File 897 - Introduced

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BY ISENHART

A BILL FOR

- 1 An Act relating to the control of contaminants in public
- 2 drinking water supply systems, and making penalties
- 3 applicable.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 455B.173, subsection 5, Code 2021, is
2 amended to read as follows:

3 5. Establish, modify, or repeal rules relating to drinking
4 water standards for public water supply systems. Such
5 standards shall specify maximum contaminant levels, including
6 those adopted pursuant to section 455B.176B, or treatment
7 techniques necessary to protect the public health and welfare.
8 The drinking water standards must assure compliance with
9 federal drinking water standards adopted pursuant to the
10 federal Safe Drinking Water Act.

11 Sec. 2. NEW SECTION. 455B.176B Drinking water maximum
12 contaminant levels.

13 1. The commission shall adopt by rule pursuant to this
14 section statewide maximum contaminant levels for likely and
15 known carcinogens, and for toxic substances likely to pose a
16 substantial health hazard, for public water supply systems
17 supplying drinking water.

18 2. In addition to substances for which the commission
19 adopts maximum contaminant levels pursuant to subsection 3, the
20 commission shall adopt statewide maximum contaminant levels for
21 all of the following substances:

22 a. Perfluorooctanic acid, perfluorooctanesulfonate acid,
23 and perfluoroalkyl and polyfluoroalkyl substances.

24 b. Hexavalent chromium.

25 c. Dioxane.

26 d. Any substance for which two or more states have adopted
27 maximum contaminant levels or issued guidance.

28 3. In addition to the substances listed in subsection 2,
29 the director or the director's designee shall annually review
30 maximum contaminant levels adopted by other states, the studies
31 and scientific evidence reviewed by those states, materials
32 provided by the agency for toxic substances and disease
33 registry, and all recent studies published by independent
34 organizations or government agencies that are subject to peer
35 review. After review, the director shall provide a list to

1 the commission of the substances for which maximum contaminant
2 levels are recommended or required. The commission shall adopt
3 maximum contaminant levels to protect the health of the general
4 public and shall also adopt maximum contaminant levels specific
5 to vulnerable subpopulations, such as persons who are nursing
6 or pregnant, infants, and children. A maximum contaminant
7 level shall not exceed any maximum contaminant level or
8 health advisory promulgated by the United States environmental
9 protection agency.

10 4. The commission shall adopt rules pursuant to chapter 17A
11 necessary to maintain compliance with this section.

12 EXPLANATION

13 The inclusion of this explanation does not constitute agreement with
14 the explanation's substance by the members of the general assembly.

15 This bill relates to the control of contaminants in public
16 drinking water supply systems.

17 Current law requires the environmental protection commission
18 to establish rules relating to drinking water standards for
19 public water supply systems, which standards shall specify
20 maximum contaminant levels or treatment techniques necessary
21 to protect the public health and welfare. Current law defines
22 "maximum contaminant level" as the maximum permissible level of
23 any physical, chemical, biological, or radiological substance
24 in water that is delivered to any user of a public water supply
25 system.

26 The bill requires the commission to adopt maximum
27 contaminant levels for carcinogens and toxic substances likely
28 to pose a substantial health hazard, including perfluorooctanic
29 acid, perfluorooctanesulfonate acid, perfluoroalkyl and
30 polyfluoroalkyl substances, hexavalent chromium, dioxane, and
31 any substance for which two or more states have established
32 maximum contaminant levels or issued guidance. The bill
33 directs the director of the department of natural resources to
34 annually review maximum contaminant levels adopted by other
35 states and the studies and scientific evidence reviewed by

1 those states and other government agencies. The bill requires
2 the director to provide a list of substances for which maximum
3 contaminant levels are recommended or required. The bill
4 requires the commission to adopt maximum contaminant levels
5 to protect the general public and maximum contaminant levels
6 specific to vulnerable populations. The bill requires the
7 commission to adopt rules in order to maintain compliance with
8 the provisions of the bill.

9 By operation of law, a person who violates a standard adopted
10 by the commission is subject to a civil penalty not to exceed
11 \$5,000 for each day a violation occurs. The director may issue
12 an order directing a person to correct a violation of the
13 standards adopted by the commission. A person against whom an
14 order is issued may initiate a contested case pursuant to Code
15 chapter 17A and the commission may affirm, modify, or vacate
16 an order of the director or may approve the director's request
17 for the attorney general to institute legal proceedings against
18 the person.